

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**SMARTPHONE TECHNOLOGIES
LLC,**

Plaintiff,

vs.

ZTE CORPORATION, et al.,

Defendants.

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CASE NO. 6:12cv350 LED-JDL

ORDER

Before the Court are the parties' Motions *in Limine* (Doc. Nos. 171 and 173). The parties have filed their respective responses (Doc. Nos. 176 & 177). The Court heard arguments regarding these Motions on May 22, 2014 and now issues the instant Order memorializing the rulings made at the hearing. The Court **RULED** as follows:

Smartphone Motions in Limine	Subject Matter	Disposition
1	Defendants' may not call or introduce lay testimony comparing claim language to prior art or accused instrumentalities	GRANTED
2	Defendants may not argue or imply that claims are limited to embodiments of the asserted patents	GRANTED and DENIED as INSTRUCTED by the Court
3	Defendants may not call or introduce lay testimony concerning the value of the asserted patents	GRANTED
4	Defendants may not make derogatory statements, arguments, or characterizations about Plaintiff or its business model	AGREED as per Doc. No. 182
5	Defendants may not reference, or present evidence concerning, Plaintiff's contingency fee arrangement with counsel	AGREED as per Doc. No. 182
6	Defendants may not reference, or present evidence or testimony concerning patent proceedings in foreign jurisdictions	AGREED as per Doc. No. 182

7	Defendants may not make remarks, or present evidence or testimony, derogatory to the USPTO	AGREED as per Doc. No. 182
8	Defendants may not make reference to, or present evidence or testimony concerning, non-final rejections issued by the PTO in re-exam proceedings	AGREED as represented by the parties at pretrial
9	Defendants may not introduce the HTC Order as a trial exhibit or otherwise inform the jury that this Court Granted-in-Part a Motion to Strike Ms. Riley's expert report	GRANTED

ZTE Motions in Limine	Subject Matter	Disposition
1	Exclude the "Investigative Report on the U.S. National Security Issues posed by Chinese Telecommunications Companies Huawei and ZTE" and related testimony	AGREED by the parties as per Doc. No. 182
2	Preclude statements or references drawing undue and unnecessary attention to any Chinese nationality or Chinese heritage of ZTE Corporation, Defendants' representatives, or witnesses called by either side	AGREED by the parties as per Doc. No. 182
3	Exclude evidence relating to the Reexamination of the '316 Patent	AGREED by the parties as represented
4	Preclude any argument or evidence that Android OS 3.2 devices or the ZTE Optik infringe the asserted patents	DENIED
5	Preclude any argument or evidence regarding the identity or "protocol handlers" in the Google source code	DENIED
6	Exclude evidence and opinions related to alleged secondary considerations on non-obviousness	DENIED

So ORDERED and SIGNED this 28th day of May, 2014.


 JOHN D. LOVE
 UNITED STATES MAGISTRATE JUDGE